

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ABDULLAH SPENCER EL DEY,	:	
	:	
Plaintiff,	:	
	:	20-CV-7208 (JMF)
-v-	:	
	:	<u>ORDER</u>
CYNTHIA BRANN, et al.,	:	
	:	
Defendants.	:	
-----X	:	

JESSE M. FURMAN, United States District Judge:

Plaintiff Abdullah Spencer El Dey brings this case under 42 U.S.C. § 1983, alleging that that several members of the New York City Department of Correction failed to protect him while he was jailed on Rikers Island. On March 10, 2022, the Court granted leave for Defendants to take Plaintiff's deposition. ECF No. 44. Plaintiff's deposition was taken for two and a half hours on March 24, 2002, but could not be completed on that date. ECF No. 47, at 1. Fact discovery was then extended to May 22, 2022, to permit the deposition to be concluded. ECF No. 46. When Defendants attempted to complete the deposition on May 17, 2022, Plaintiff refused to appear. *Id.* Defendants now move to compel Plaintiff to appear for a deposition. *Id.*

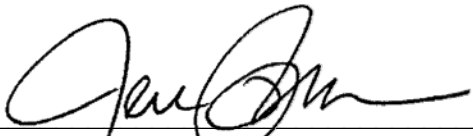
Defendants' motion is GRANTED. The Court has already ordered Plaintiff to appear for a deposition, ECF No. 44. Because the deposition could not be completed during the first session due to a scheduling conflict on the part of the Department of Corrections, Plaintiff is hereby ORDERED to reappear for a second session of no more than four hours, to complete the deposition. Plaintiff is warned that failure to comply with this order could result in sanctions, including dismissal. *See Zouarhi v. Colin Serv. Sys., Inc.*, 223 F.R.D. 315, 316 (S.D.N.Y. 2004).

Finally, Defendants' request for an extension of the discovery deadlines is GRANTED. The deadline for fact discovery is hereby extended to **June 10, 2022**. The Superintendent or other official in charge of the North Infirmity Command, located in East Elmhurst, New York, is ORDERED to produce Plaintiff (inmate Abdullah Spencer El Dey #3491605137), at a location within the facility with video conference capabilities for the taking of his deposition **before June 10, 2022**. No further extensions of the discovery deadline will be granted.

The Clerk of Court is directed to terminate ECF No. 47 and to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: May 19, 2022
New York, New York



JESSE M. FURMAN
United States District Judge